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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT TACOMA

10                 BRENDAN MCKOWN, an individual.

11                  Plaintiff,

12                  CASE NO. C08-5754BHS

13                  v.

14                  SIMON PROPERTY GROUP, INC., dba  
15                  TACOMA MALL, a Delaware  
16                  corporation; IPC INTERNATIONAL  
17                  CORPORATION, an Illinois corporation,

18                  ORDER DENYING  
19                  STIPULATED  
20                  PROTECTIVE ORDER

21                  Defendants

22                  This matter comes before the Court on the parties' stipulated motion and protective  
23                  order (Dkt. 40). The Court has considered the pleading filed in support of the proposed  
24                  order and the remainder of the file and hereby declines to enter the proposed order as an  
25                  order of the Court for the reasons stated herein.

26                  The parties request an expansive protective order for all confidential information  
27                  that may be disclosed during the discovery phase of this proceeding. *See* Dkt. 40. The  
28                  parties have agreed to designate certain materials as "CONFIDENTIAL MATERIAL. *Id.*

29                  The Court need not enter the stipulation as an order of the Court because (1) the  
30                  proposed order contains provisions that are more appropriate for an agreement between  
31                  the parties instead of an expansive protective order, and (2) the attorneys for both parties  
32                  have executed the agreement. If a party seeks protection from the public disclosure of  
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any material after unsuccessfully obtaining agreement for such protection from all parties,  
such party may apply to the Court for relief. However, when disagreements arise, it is  
important to adhere to the requirement of a “good faith” effort “to resolve the dispute  
without court action.” *See* Fed. R. Civ. P. 26 and 37.

Therefore, it is hereby **ORDERED** that the parties’ stipulated motion and  
protective order (Dkt. 40) is **DENIED**.

DATED this 21<sup>st</sup> day of September, 2009.



BENJAMIN H. SETTLE  
United States District Judge